

Docket No. ARO-104

DECLARATION (37 C.F.R. § 1.63) AND POWER OF ATTORNEY

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As a below-named inventor, I hereby declare that:

DEC 13 2006

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Noninvasive Transdermal Systems for Detecting an Analyte (e.g., Potassium) Fluid and Methods, specification for which

RECEIVED is attached hereto.**JAN 06 2007** was filed March 11, 1999, Serial No. 09/266,346**OFFICE OF PETITIONS**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application Serial No.	Country	Filing Date	Priority Claimed
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I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

Application Serial No.	Filing Date	Priority Claimed
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I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith who are associated with Customer Number 23557.

The attorneys/patent agents currently associated with this Customer Number are: David R. Saliwanchik, Reg. No. 31,791; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Jay M. Sanders, Reg. No. 39,355; Jean Kyle, Reg. No. 36,987; James S. Parker, Reg. No. 40,119; Frank C. Eisenschenk, Reg. No. 45,332; Glenn P. Ludwig, Reg. No. 46,853; Margaret Eston, Reg. No. 47,545; Gwendolyn L. Daniels, Reg. No. 51,594; John M. Sanders, Reg. No. 30,126; Jenna M. Morrison, Reg. No. 55,468; and Mai-Tram Dinh Lauer, Reg. No. 43,589.

I request that all correspondence be sent to:

David R. Saliwanchik
Saliwanchik, Lloyd & Saliwanchik
A Professional Association
PO Box 142950
Gainesville, FL 32614-2950

I further request that all telephone communications be directed to:

David R. Saliwanchik
352-375-8100

Docket No. ARO-104

Name of First or Sole Inventor Jack L. AronowitzResidence Delray Beach, FL Citizenship United States **RECEIVED**Post Office Address 6591 Skyline Dr. JAN 06 2007Delray Beach, Florida 33446 **OFFICE OF PETITIONS**

Date _____

Signature of First or Sole Inventor

Name of Second Joint Inventor Joel R. MitchellResidence Pompano Beach, FL Citizenship United StatesPost Office Address 3341 S W. 15th StreetPompano Beach, Florida 33069Joel R. Mitchell Date 12-03-2005

Signature of Second Joint Inventor

Name of Third Joint Inventor John WeissResidence Hollsville, NY Citizenship United StatesPost Office Address 905 Waverly Ave.Hollsville, New York 11742

Date _____

Signature of Third Joint Inventor

Name of Fourth Joint Inventor Irwin WeitmanResidence East Northport, NY Citizenship United StatesPost Office Address 196 Cedrus AvenueEast Northport, New York 11731

Date _____

Signature of Fourth Joint Inventor



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

In re Application of
Jack L. Aronowitz et al
Application No. 09/266,346
Filed: March 11, 1999
Attorney Docket No.

PAO-104



ON PETITION

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JAN 06 2007

CORRECTED DECISION

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2002, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to Notice to file Missing parts of Application (Notice) mailed April 8, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 9, 1999.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The declaration submitted with petition on December 30, 2002 lack compliance with § 1.63(b)(2). The executed declaration did not name all of the inventors. See MPEP 602, which states:

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Where joint inventors execute separate oaths or declarations each oath or declaration should make reference to the fact that the affiant is a joint inventor together with other joint inventors indicating them by name.

Since the declaration executed by Inventor Joel R. Mitchen does not name the other joint inventors, the declaration is considered to be defective. In view thereof, Mr. Mitchen has not joined in the filing of the instant application. Accordingly, a substitute declaration executed by joint Inventor Mitchen and setting forth the other named inventors is required to be submitted within the time period specified above.

The decision mailed February 10, 2003 is hereby vacated as of the mail date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

DOCKET NO.: ARO-104

December 7, 2005

SERIAL NO.: 09/266,346

DATE FILED: March 11, 1999 EXAMINER: Irvin Dingle

APPLICANTS: Aronowitz et al.

SUBMISSION TO PTO:

1. Response to Dismissed Petition Under 37 CFR 1.137(b)
2. Executed Declaration and Power of Attorney by Inventor Mitchen
3. Copy of Dismissed Petition



/la